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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ZEWDU, MELESS NMN	
ART UNIT	**PAPER NUMBER**
2617	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/707,671	AMIN ET AL.	
	Examiner	Art Unit	
	Meless N. Zewdu	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,12-18,20-27 and 41-52* is/are pending in the application.

4a) Of the above claim(s) *8-11 and 28-40* is/are withdrawn from consideration.

5)☒ Claim(s) *41* is/are allowed.

6)☒ Claim(s) *1,3-7,12-15,17,18,20,22-25,27 and 42* is/are rejected.

7)☒ Claim(s) *16,21,26,41 and 43-52* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on 3/7/06.

2. Claims 2 and 19 have been cancelled.

3. Claims 8-11 and 28-40 have been withdrawn.

4. Claims 1, 3-7, 12-18, 20-27 and 41-52 are pending in this action.

5. This action is final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 6, 12-15, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Findikli et al. (Findikli) (US 6,529,727 B1).

Consider claims **1 and 18,** Findikli et al. clearly show and disclose a method for activating a mobile communication device in a wireless network (abstract), said mobile communication device being compatible with General Packet Radio Service (GPRS) (reads on claim 6) (column 4 lines 23-25) comprising:

establishing a data transmission link (i.e., a wireless link for the transmission of data such as an AMIN, IMSI, and/or MIN) between said mobile communication device and the wireless network (figure 6 and column 5 lines 49-54);

said mobile communication device receiving, via said data transmission link, at least one assigned operating parameter (e.g., MTN and/or IMSI) (reads on claim 6) (figure 6 and column 6 lines 4-34)., and

storing said at least one assigned operating parameter in a memory element associated with said mobile communication device (column 6 lines 32-34).

Consider claim **3,** and as applied to claim 2 above, Findikli et al. also disclose that said storing step replaces said at least one temporary operating parameter (i.e., with said at least one assigned operating parameter (e.g., Mm and/or IMSI) (column 6 lines 4-40).

Consider claims **4 and 20**, and as applied to claims 2 and 19 above, Findikli et al. further disclose the step of transmitting an over-the-air activation (attach) request using said at least one temporary operating parameter (e.g., AmIN) (figure 6 and column 5 lines 36-54).

Consider claims **12 and 15**, Findikli et al. clearly show and disclose a programmable module 50 (figures 1-3), configured as a Subscriber identity Module (SIM) (reads on claim 15) (column 6 lines 51 and 52), for use with a mobile communication device capable of receiving data in accordance with a data transmission protocol (e.g., GPRS), said mobile communication device being compatible with

General Packet Radio Service (GPRS) (reads on claim 15) (column 4 lines 23-25), said programmable module 50 (figures 1-3) comprising:

a memory element for storing at least one temporary operating parameter (e.g., AMIN generated from information stored in the subscription module 50) that facilitates operation of said mobile communication device in an activation mode (column 5 lines 54-63); and

an interface configured to receive at least one assigned operating parameter (e.g., MIN and/or IMSI) during said activation mode, wherein said mobile communication device receives said at least one assigned operating parameter over a data transmission link (i.e., a wireless link for the transmission of data such as an AMIN, IMSI, and/or MTNI and in accordance with said data transmission protocol (e.g., GPRS) (figure 6, column 4 lines 23-25, and column 6 lines 4-34).

Consider **claim 13**, and as applied to claim 12 above, Findikli et al. further show and disclose that said memory element is further configured to stored said at least one assigned operating parameter (e.g., MIN and/or IMSI) (column 6 lines 4-40).

Consider claim **14,** and **as applied to claim 12** above, Findikli et al. also disclose that said memory element replaces (overwrites) said at least one temporary operating parameter (e.g., AMIN) with said at least one assigned operating parameter (e.g., MIN and/or 1MSI) (column 6 lines 4-40).

Claim 42 is rejected under 35 U.S.C. 102(e) as being anticipated by **Forslow** (U.S. 2003/009237 A1)

Consider **claim 42**, Forslow clearly show and disclose a method of activating a wireless device in a wireless network comprising:

attaching the wireless device to the wireless network (figures 2, 12, and 13 and paragraphs 0094-0105);

establishing a packet data protocol (PDP) context for the wireless device attached to the

wireless network (figures 12 and 13 and paragraphs 0094-O1û5); and

providing activation options (e.g., DHCP offers) to the wireless device while the wireless device is in the PDP context (figure 13 and paragraphs 0101-0105).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 7, 17, and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Findikli in view of Dusse et al. (Dusse) (US 6,647,260 B2).

Claims **5, 7, 17, and 22-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Findikli (US Patent # 6,529,727 B1) in view of Dusses et al. (Dusse) (US Patent # 6, 647,260 B2).

Consider **claims 5, 7,** and **17,** Findikli clearly show and disclose the claimed invention except that the data transmission link is a wireless packet data transmission link (claims 5 and 17) and the step of transmitting, via said data communication link, information indicative of a number of service features selected by a user of said mobile communication device (claim 7).

In the same field of endeavor, Dusse et al. clearly show and disclose a method for activating a mobile communication device via a wireless packet data transmission link between said mobile communication device and a wireless network (column 3 lines 25-50 and column 4 lines 3-44) (reads on claims 5 and 17) and transmitting, via said

wireless packet data communication link, information indicative of a number of service features selected by a user of said mobile communication device (abstract, figure 2, column 2 lines 4-51, and column 3 lines 25-50) (reads on claim 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to activate the mobile communication device via a packet data link as taught by Dusse in the method of Findikli for the purpose of providing activation services for additional wireless architectures such œs GPRS (Findikli et al; column 4 lines 23-25).

Consider **claims 22, 25**, and **27**, Findikli clearly shows and disclose a method for activating a mobile communication device capable of receiving data in accordance with a packet data protocol (e.g., GPRS) (abstract and column 4 lines 23-25), said method comprising the steps of:

providing a programmable module 50 (figures 1-3) that is compatible with said mobile communication device, said programmable module storing at least one temporary operating parameter (e.g., AMIN generated from information stored in the subscription module 50) to facilitate operation of said mobile communication device in an activation mode (figures 1-3 and column 5 lines 54-63);

establishing a data transmission link (i.e., a wireless link for the transmission of data such as an , IMSI, and/or M1N) between said mobile communication device and a network support node during said activation mode (e.g., MSC 100, OTAF 400, and/or CSC 300) (figures 3 and 6 and column 5 lines 49-54);

transmitting, via said data transmission link, at least one assigned operating parameter (e.g., IMSI and/or MIN) to said mobile communication device (figure 6 and column 6 lines 4-34); and

storing said at least one assigned operating parameter at said programmable module (column 6 lines 32-34).

However, Findikli do not specifically disclose that the data transmission link is a wireless packet data transmission link and the step of transmitting, via said data communication link, information indicative of a number of service features selected by a user of said mobile communication device (claim 27).

In the same field of endeavor, Dusse et al. clearly show and disclose a method for activating a mobile communication device via a wireless packet data transmission link (reads on claim 25) between said mobile communication device and a wireless network (column 3 lines 25-50 and column 4 lines 3-44) and transmitting, via said wireless packet data communication link, information indicative of a number of service features selected by a user of said mobile communication device (abstract, figure 2, column 2 lines 4-51, and column 3 lines 25-50) (reads on claim 27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to activate the mobile communication device via a wireless packet data link as taught by Dusse in the method of Findikli for the purpose of providing activation services for additional wireless architectures such as GPRS (Findikli et al; column 4 lines 23-25).

Consider **claim 23,** and as applied to claim 22 above, Findikli, as modified by

Dusse, further show and disclose that said storing step replaces said at least one temporary operating parameter (i.e., AMIN) with said at least one assigned operating parameter (e.g., IMSI and/or MIN) (column 6 lines 4-40).

Consider claim 24, and as appëed to claim 22 above, Findikli, as modified by Dusse, also show and disclose the step of transmitting, from said mobile communication device, an over-the-air activation (attach) request using said at least one temporary operating parameter (e.g., AMIN) (figure 6 and column 5 lines 36-54).

Allowable Subject Matter

Claim 41 is allowed.

The following is an examiner's statement of reasons for allowance:

Consider claim 41: claim 41 is directed to remotely activating a mobile device. The prior art of record does not teach or fairly suggest activating a mobile station using the techniques/steps recited in claim 41.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 16, 21, 26, 41 and 43-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 3/7/06 have been fully considered but they are not persuasive. Arguments and correspond responses by examiner follows below.

Argument: with respect to claims 1, 3-7, 12-15, 17, 18, 20, 22-25, 27, 41 and 42, applicant argues by saying the AMIN (in the applied prior art) is never described as stored in the memory element, which the Office Actions argues is satisfied by Findikli's subscription module (SIM) 50, as required by claims 1 and 18. Applicant further argues by saying Findikli's subscription module identifier is stored in the subscription module , but at no point does Findikli teach or suggest that the subscription module identifier is in any way a "temporary operating parameter", as required by the claims.

Response: examiner respectfully disagrees with the argument. In that Findikli's over-the-air activating subscription generates **a temporary MIN**, called the activating MIN (AMIN) (see col. 5, lines 49-63); and also teaches that a security key value is assigned and stored for each of these un-activated subscriptions (i. e., the temporary MIN/AMIN) (see col. 7, line 66-col. 8, line 3). Therefore, the argument is not persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold, Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

CHARLES APPIAH
PRIMARY EXAMINER

Meless Zewdu M.Z. 6-16-06

Examiner

16 June 2006.